



HALL STILL ON STAND

Cross-Examination Consumed Whole Day.

NEGLECT TO PROSECUTE

He Admitted Writing to Senators Mitchell and Fulton Regarding Heney's Appointment.

VERY INTIMATE WITH LOOMIS

Heney Charged Him With Neglect to Prosecute the Butte Creek Company and Only Did so at the Instance of a Special Agent.

PORTLAND, Jan. 31.—The cross-examination of Hall consumed all today and it will not be finished before tomorrow noon. Turning from Hall's alleged neglect to prosecute the Butte Creek Land & Livestock Co., though a score of small settlers alongside the big company were forced to tear down their fences, Prosecutor Heney charged Hall with having neglected to prosecute the Thayer timber land frauds in Western Oregon, and only caused these frauds to be brought before the grand jury at the instance of a special agent. Hall in reply stated that the Thayer frauds were outlawed, according to his interpretation of the ruling of the late Judge Deady and he so advised the grand jury.

Hall declared he did not make the trip to Washington in January, 1904, to request the removal of Heney as the special prosecutor of the land fraud cases. He admitted that in December, 1903, he had written to Senators Mitchell and Fulton protesting against Heney's appointment, but stated that he was naturally piqued at Heney's being sent here. He did not make a protest through any fear that the prosecution would interfere with his arrangement with Brownell.

Hall defended his action in permitting special Agent Loomis to appear before the grand jury in his own behalf, with the explanation that this was a courtesy extended by him to any well known person under suspicion to give that person a chance to explain.

Heney then introduced some correspondence showing apparently that the relations between Loomis and Hall were very intimate, and according to these letters, that Hall was keeping Loomis advised of any action by the grand jury which particularly interested the special agent.

FLEET SIGHTED.
PUNTA ARENAS, Straits of Magellan, Jan. 31.—The American battleship fleet was sighted off Dungeness Point, Chile, at the entrance to the Straits of Magellan at 11 o'clock today.

HAD THEIR SALARIES CUT.
NEW YORK, Jan. 31.—Six New York letter carriers have had their salaries reduced \$100 a year for soliciting Christmas and New Year presents. These men, all of whom are on duty in the residence district, left cards of greeting for the people they daily deliver mail to. Complaints were made to the postmaster, who after investigation reduced the grade of the men in question. The postmaster has

also directed the letter carriers to refrain from the attempt to sell tickets for the coming annual ball of their organization.

RUPTURED A LIGAMENT.

PITTSBURG, Jan. 31.—Miss Olga Nethersole played "Carmen" here last night at the Nixon Theatre while seated in a wheel chair. Yesterday the actress met with an accident, falling on the slippery pavement and seriously ruptured a ligament in her right ankle near the instep. She also received a severe bruise over the eye. Despite the pain and urging of her physicians, Miss Nethersole pluckily determined to appear last night. The audience was notified at the beginning of the performance, and when the actress appeared seated in a wheel chair she was given hearty applause. Notwithstanding the great difficulty the portrayal was a remarkably clear and spirited one.

FIVE MEN INJURED.

PHILADELPHIA, Jan. 31.—Five men were injured, three of them seriously by the explosion today in the shrapnel department at the United States arsenal in Frankfort, in the northeast part of the city. The explosion occurred in a drill press in a room in which 12 men were at work.

DEMANDS A PARDON

Gov. Chamberlain is Threatened by Letter.

WOMAN ADDRESSES ENVELOPE

Anonymous Letter Demanding Pardon of John Branton, Before February 20th, is Placed in Dr. Chas. Chamberlain's Hands by Man.

PORTLAND, Jan. 31.—A special dispatch to the Oregonian from Troutdale states that as the east-bound Union Pacific train was leaving the Portland depot tonight, Dr. Chas. Chamberlain, son of Governor George E. Chamberlain, was handed a anonymous letter demanding that his father pardon John Branton, before February 20th, and it threatens if he released from the Oregon penitentiary and it threatens if the Governor refuses to do so he will meet the fate of Governor Steunenberg of Idaho and former Sheriff Harvey T. Brown, of Baker county. The letter was dated January 29th, and postmarked Cottage Grove. The handwriting on the envelope was a woman's. The letter was printed and was a labored attempt to create the impression the writer was illiterate. Branton was sent to the state's prison from Cottage Grove, for attempting to kill a man for his life insurance. A brother of Branton was hanged at Eugene about six years ago.

MAY ABDICATE.
VICTORIA, B. C., Jan. 31.—Local Chinese confidently expect an announcement from Peking tomorrow or within the next few days, of the abdication of the Empress Dowager. A cablegram received by the local Chinese today from an official source at Tien Tsin says: "Expect announcement of the abdication to commence on New Year."

SAYS LETTER WAS STOLEN.
LOS ANGELES, Jan. 31.—The Evening News quotes Auditor W. J. Healy, of the Santa Fe, as saying that letter from Edward Chambers to G. A. Davidson, which President Roosevelt incorporated in his message to Congress today was stolen from the railroad offices. Healy said he could not deny that the letter was written but he had never seen it. He said he had heard of such a letter and of its loss. He did not know who stole it or how it got into the hands of Heney.

THAW JURY STILL OUT

Rumored Jury Were Hopelessly Divided.

THAW IS DISCONSOLATE

"No Body Can Tell What a Jury Will Do" Said District Attorney Jerome.

MAY HAVE A THIRD TRIAL

Littleton of the Defense Expressed Belief That Majority Favored Verdict of Not Guilty on the Ground of Insanity.

NEW YORK, Jan. 31.—After waiting nearly 12 hours for the jury in the Thaw case to report, Justice Dowling shortly after 11 o'clock tonight ordered the doors of the jury-room locked and adjourned the court until morning. A rumor persisted in throughout the evening was that the jurors were hopelessly divided, and stood eight to four. Littleton, of the defense, expressed the belief that the majority favored the verdict of not guilty on the ground of insanity. District Attorney Jerome said "Nobody can tell what a jury will do, so what is the use of speculating."

Thaw retired disconsolately to his cell in the Tombs. He expressed a fear that a third trial would be necessary. This was the general opinion held by the court attaches. Jerome would not discuss the probability of a third trial but said if there was one it might be in some other jurisdiction of the state than New York county.

By noon today the fate of Harry K. Thaw will be in the hands of the jury. The lawyers have finished their summing up and everything is ready for the charge of the judge. Justice Dowling will begin his exposition of the law in the case when court convenes this morning and as soon as that is finished the jurors will retire to the stuffy little room near the court-room where the trial has been held, there to remain until they have agreed upon a verdict or until the court loses hope of their ever reaching an agreement.

In his address to the jury on Wednesday Mr. Littleton for the defense argued that there was nothing in the evidence in the case to show that Thaw was sane when he fired the shots that caused the death of Stanford White. On the other hand District Attorney Jerome in summing up the case for the people yesterday declared there was nothing in the evidence to show that Thaw was insane and everything to show that the killing of White was cold-blooded, premeditated murder. Between these two extremes the jury must decide. They have between the extremes the ground for a compromise verdict of murder in the second degree or manslaughter in the first degree but any other form of verdict of guilty seems impossible under the circumstances. A verdict of not guilty carries with it, under the plea made, the excuse of insanity, and if it is rendered the district attorney will without doubt move at once that Thaw be committed to the Matteawan Asylum for the Criminal Insane. Justice Dowling during the examination of the alienists called by the defense asked a number of ques-

tion as to the probable recurrence of the fits of insanity which the doctors said Thaw had suffered, evidently preparing himself for such a move. If a verdict of not guilty is rendered there is little doubt that Thaw will be sent to the asylum where he will be compelled to remain until released by judicial procedure.

NEW YORK, Jan. 31.—The Thaw jury returned to the court house from supper at half past eight and at once proceeded to their deliberations. At 11:09 the court took a recess until 10:30 tomorrow morning.

MAKES POSITIVE DENIAL.

SANTA BARBARA, Cal., Jan. 31.—President Ripley of the Santa Fe railroad today issued a statement absolutely denying the charges contained in a letter made public today in the special message of President Roosevelt. He says the statement that he is a party to a secret oil rate in California is absolutely false and that on the contrary he absolutely declined to grant it. He accuses the government "As in other cases," of using the unverified charges of discharged employees. He says the case referred to had nothing to do with the interstate commerce or with the national government.

GOVERNMENT SUED

Japanese Importing Firm Dispute Rate of Duty.

CLAIM SAKE IS NOT A WINE

Sake is a Light Colored Non-fermenting Liquid Containing Alcohol Varying From 17 to 22 Per Cent—Made from Rice But Not Distilled

SAN FRANCISCO, Jan. 31.—A case presenting a question as to the rate of duty that should be collected upon the importation of Japanese sake, which involves more than \$1,500,000, will be brought before the United States circuit court of appeals Monday by United States District Attorney Devlin. The Japanese importing firm of T. Komada & Company has brought suit against the United States to recover \$1,500,000 as duty paid under protest since 1900.

Sake is a light colored, non-fermenting liquid containing alcohol varying from 17 to 22 per cent, made from rice but not distilled, the alcohol contained in it being produced by fermentation. T. Komada & Company contend that sake should be taxed the same as beer. Prior to 1904 sake was assessed for duty as a spirituous beverage at the rate of \$2.50 per proof gallon. A protest was made in that year against the classification, the claim being made by the government appraisers that sake was dutiable as a stimulant by similitude, the importers claiming that sake was not provided for in the tariff acts as a wine.

If the government loses the case the United States will lose in the future \$250,000 or more each year by reason of the reduced rate which must be imposed.

STEAMER GETS SCORCHED.

SOUTHAMPTON, Jan. 31.—A fire broke out this afternoon in the first-class smoking-room of the White Star Line steamer Majestic, which arrived from New York, and at one time it was thought the vessel was doomed to destruction. Only through the united efforts of the fire department on the dock and the city brigade was the vessel saved. With hard work they succeeded in stemming the blaze, but only after serious damage had been done. The smoking-room was badly burned and several cabins were seriously damaged.

PRESIDENT'S MESSAGE

Special Message Presented to Congress.

INJUNCTIONS NECESSARY

Trust Regulation, Stock Gambling, Liability Act and Financial Flurry—Prominent Points.

TOP THEFT OF PUBLIC LANDS

In All Matters of Interstate Commerce the Authority of the National Government Already Exists and Does Not Have to be Acquired

"To the Senate and House of Representatives:

"The recent decision of the supreme court in regard to the Employers' Liability act, the experience of the Interstate Commerce Commission and of the Department of Justice in engineering the Interstate Commerce Anti-Trust laws, and the gravely significant attitude toward the law and its administration recently adopted by certain heads of great corporations render it desirable that there should be additional legislation as regards capital and between the great corporations and the public.

"The supreme court has decided the Employers' Liability law to be unconstitutional because its terms apply to employees engaged wholly in interstate commerce as well as to employees engaged in interstate commerce. By a substantial majority the courts hold that the Congress has power to deal with the question insofar as interstate commerce is concerned. As regards the Employers' Liability law, I advocate its immediate re-enactment, limiting its scope so that it shall apply only to the class of cases as to which the court says it can constitutionally apply, but strengthening its provisions within this scope. Interstate employment being thus covered by an adequate law, the field of interstate employment will be left to the action of the several states. With this clear definition of responsibility, the states will undoubtedly give the performance to their duty within their field the consideration and importance the subject demands. I also very urgently advise that a comprehensive act be passed providing for comprehension by the government by all employees injured in the government service. Under the present law an injured workman in the employ of the government has no remedy and the entire burden of the accident falls on the helpless man, his wife and young children. This is an outrage. This is a matter of humiliation to the nation that there should not be on the statute books provision to meet and partially to atone for cruel misfortune when it comes upon a man through no fault of his own while faithfully serving the public.

"There is a special bill to which I call your attention. Secretary Taft has urgently recommended the immediate passage of a law providing for compensation to employees of the government injured in the work of the Isthmian canal and that \$100,000 be appropriated for this purpose each year. I earnestly hope this will be done and that a special bill be passed covering the case of Yardmaster Banton, who was injured nearly two years ago while doing his duty. He is now helpless to support his wife and his three little boys. As regards

injunctions, I can do little but repeat what I have said in my last message to Congress. Even though it were possible, I should consider it most unwise to abolish the use of the process of injunction. It is necessary that the courts may maintain their own dignity and in order that they may in effective manner check disorder and violence. The judge who uses it cautiously and conservatively but who, when the need arises, uses it fearlessly, confers the greatest service upon our people and his prominent usefulness as a public servant should be heartily recognized. But there is no question in my mind that it has sometimes been used heedlessly and unjustly, and that some of the injunctions issued inflict grave and occasional irreparable wrong upon those enjoined. The law should apply to all laborers, mechanics and other civilian employes of the government of the United States, including those in the service of the Panama Canal Commission and Insular governments.

"When once an inflated capitalization has gone upon the market and has become fixed in value, its existence must be recognized. As a practical matter it is thought often absolutely necessary to take account of the grounds of innocent stockholders who have purchased their stocks in good faith. The usual result of such inflation is therefore to impose upon the public an unnecessary but everlasting tax, while the innocent purchasers of the stock are also harmed and only a few speculators are benefited. Such wrongs once accomplished can with difficulty be undone; but they can be prevented with safety and justice.

"I do not know whether it is possible, but if it is certainly desirable that in connection with measures to restrain stock watering and over-capitalization there should be measures taken to prevent at least the grossest forms of gambling in securities and commodities, such as making large sales of what men do not possess and 'cornering' the market.

"In the interest of the small settlers and landowners, and again the embittered opposition of wealthy owners of huge wandering flocks of sheep, or of corporations desiring to rob the people of coal and timber, we strive to put an end to the theft of public land in the west.

"The time has come for the strict supervision of these great corporations and the limitation of their stock and bond issues under some proper official. But if it were true that to cut out rottenness from the body politic meant a momentary check to an unhealthy seeming prosperity, I could not for one moment hesitate to put the knife to corruption.

"The outcry against stopping dishonest practices among the wrongdoers who happen to be wealthy is precisely similar to the outcry raised against every effort for cleanliness and decency in city government, because forsooth, it 'hurts business.'

"In all matters pertaining to interstate commerce the authority of the national government already exists and does not have to be acquired, and the exercise of this authority can be in no sense a usurpation of or infringement upon the rights of the States.

I inclose herewith a statement issued by the chief of the bureau of corporations (appendix), in answer to certain statements (which I also inclose) made by and on behalf of the agents of the Standard Oil Corporation (appendix 2), and a letter of the attorney-general (appendix 3), containing an answer to certain statements; also inclosed, made by the president of the Santa Fe Railway Company (appendix 4). The Standard Oil Corporation and the railway company have both been found guilty by the courts of criminal misconduct; both have been sentenced to pay heavy fines, and each has issued and published broadcast these statements, asserting their innocence and denouncing as improper the action of the courts and juries in convicting them of guilt. These statements are very elaborate, are very interesting and are untruthful in important particulars.